

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

S.P., a minor, and A.F., a)
minor, who sue by and)
through their parents,)
legal representatives and)
next friends Andrew Finley)
and Chantel Latreece)
Presley, his wife; et al.,)

Plaintiffs,)

v.)

ERIN THOMPSON SPINKS; and)
STATE FARM AUTOMOBILE)
INSURANCE COMPANY,)

Defendants.)

CIVIL ACTION NO.
2:20cv995-MHT
(WO)

ORDER

Based on the representations made during the
conference call on July 16, 2021, and in the guardian
ad litem's amended report (Doc. 41), it is ORDERED
that:

(1) Plaintiffs' amended motion to establish a
qualified settlement fund and to appoint a fund
administrator (Doc. 40) is granted.

(2) The court establishes a Qualified Settlement Fund under Internal Revenue Code of 1986, as amended (the "Code") § 468B, which shall be called The Presley Qualified Settlement Fund ("the Fund").

(3) The court appoints Eastern Point Trust Company as the Fund Administrator and grants the Fund Administrator authority to conduct any and all activities necessary to administer the Fund.

(4) Upon execution of a release with the plaintiffs with respect to the incident at issue in this case, and after defendants Erin Thompson Spinks and State Farm Automobile Insurance Company have fully paid the agreed upon settlement proceeds into the Fund, said defendants' alleged or actual civil liability with respect to this case shall be extinguished.

(5) The Fund Administrator is authorized to enter into a Fund Agreement with the plaintiffs and/or their legal representative, which may include providing for structured settlements in a manner prescribed and approved by the court.

(6) The Fund is authorized to effect qualified assignments of any resulting structured settlement liability within the meaning of Section 130(c) of the Code to the qualified assignee.

(7) The Fund Administrator is authorized, upon entry of the court's order to distribute for the benefit of the plaintiffs all monies paid into the Fund by defendants Erin Thompson Spinks and State Farm Automobile Insurance Company, to take appropriate steps to wind up the Fund, after which time the Fund Administrator shall be discharged of further responsibility for the Fund.

(8) The court shall retain jurisdiction over the Fund until it is wound up and the Fund Administrator discharged.

(9) Counsel for the plaintiffs is to inform the court when the paperwork for the establishment of the Fund has been completed.

(10) Upon establishment of the Fund, defendants Erin Thompson Spinks and State Farm Automobile

Insurance Company are to deposit the settlement funds into the Fund, and defense counsel are to inform the court when this has been done.

It is further ORDERED that the plaintiffs' initial motion to establish qualified settlement fund and to appoint fund administrator (Doc. 35) is denied as moot.

DONE, this the 13th day of September, 2021.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE